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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,688	05/06/1999	OLIVER T. BAYLEY	INT1P027	3807

22434 7590 04/18/2002

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EXAMINER
BROWN, VERNAL U

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/306,688	Applicant(s) BAYLEY ET AL.	
	Examiner Vernal U Brown	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 May 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

The application of Bayley et al Interactive Radio Frequency Tag filed 5/6/99 has been examined.

Claims 1- 30 are pending.

Drawings

The drawings are objected to because of the reasons set forth on the attached PTO-948.

Furthermore Referring to figure 1B, the elements 110 should be labeled in accordance with 35 CFR 1.83(a).

Specification

The abstract of the disclosure is objected to because it includes improper language such as "The invention", "means", and "can be". See MPEP 08.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using phrase "The present invention " is implied and should be avoided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14,17-30, are rejected under 35 U.S.C. 102(e) as being anticipated by Want et al U.S Patent 6008727.

Regarding claim 1, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 2 line 31) responsive to external stimulus.

Regarding claim 2, Want et al teaches an interface comprising of a button (col. 3 lines 23-25).

Regarding claim 3, Want et al teaches an interface comprising a sensor (col. 5 line 26).

Regarding claim 4 and 5, Want et al teaches a radio frequency tag with a sensor that is responsive to heat and light (col. 5 line 39).

Regarding claim 6 and 7, Want et al teaches an interactive radio frequency tag apparatus comprising of an output device in the form of a light emitting diode which generates a visible signal in (col. 17 lines 8).

Regarding claim 8, Want et al. teaches a radio frequency tag apparatus giving audio or visual indication (col. 12 line 2-3).

Regarding claim 9, Want et al teaches that the output device generates a tactile signal (col. 2 line 54).

Regarding claim 10,11, and 12, Want et al however teaches a selectively enabled tag (col. 17 lines 5-6) with the element are connected by an interconnect module (562) to allow selective enablement or disablement of the functional element by an user employing a electromechanical controller. Enabling and disabling of different functional elements of the RF tag is considered to be changing the functional state of RF tag.

Regarding claim 13, Want et al teaches a radio frequency tag with an interface for external stimulus comprising environmental exposure (col. 5 line 39).

Regarding claim 14, Want et al teaches a button is connected with a switch in a circuit including the antenna (col. 5 lines 20-21).

Regarding claim 17, Want et al teaches using a switch to enable the tag functional elements in figure 13 including memory (552) which facilitate the reading of the tag.

Regarding claim 18, Want et al teaches (figure 13) a radio frequency tag with a button connecting a switch with the integrated circuit (col. 17, lines 5-15).

Regarding claim 19, Want et al teaches that the memory in controllably connected by an interconnect module. Want et al further teaches that the interconnect module is activated by a button (col. 17 lines 14-15).

Regarding claim 20, Want et al teaches the use of various environmental sensors (col. 3 lines 10-17). Environmental sensors are considered to be transducer and transducers typically comprises of a voltage sensor.

Regarding claim 21, Want et al teaches a radio frequency tag apparatus with an output device of a light emitting diode or an audio alert signal output (col. 12 lines 3-4). Speakers are typically used to output an audio alert signal.

Regarding claim 22, Want et al also teaches a selectively enabled tag (col. 17 lines 5-6) with the element are connected by an interconnect module (562) to allow selective enablement or disablement of the element by the user employing a electromechanical controller. Want et al further teaches that the interconnect module is activated by user control or automatic control software. Selectively enabling and disabling of the functional elements of the radio frequency tag provide a method of changing the response provided by a polled RF tag. Want et al further teaches a sensor connected to the processor received external stimulus and produces change in the state of the tag (col. 5 lines 25-35).

Regarding claim 23 and 24, Want et al is silent on teaching generating a signal to indicate that the state of the radio frequency tag has change. Want et al however teaches using a flashing LED to indicate the reading state of a radio frequency tag (col. 12 line 3). One skill in the art recognizes that a flashing LED provides a visible signal as to the state of the RF tag.

Regarding claim 25, Want et al teaches an audible alert to provide indication of the state of the RF tag.

Regarding claim 26, Want et al teaches a tactile output based on internal state of the RF tag (col. 8. lines 40-41).

Regarding claim 27, Want et al teaches an interface that includes a button (col. 5 line 23).

Regarding claim 28, Want et al teaches a RF tag with an optionally attached sensor (560).

Regarding claim 29 and 30, Want et al teaches that when the radio frequency tag is brought near the tag reader the query/response signals are passed between the tag and the reader and the identification number of the tag is read (col. 6 55-56). The flashing light emitting diode is used to give an indication of that the tag is been read. The output device is therefore responsive to the radio frequency signal received at the antenna.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15-16, is rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al U.S Patent 6008727.

Regarding claim 15, Want et al is silent on teaching a button is pushed to close the switch and enable the transponder to be read by the polling transceiver. However Want et al teaches that

the user interface is used to enable the reading of the tag identification number (col. 9 lines 45-46).

It would have been obvious to one of ordinary skill in the art to use a push button to close the switch and enable the transponder to be read by the polling transceiver in Want et al because Want et al suggest using a switch to enable tag functional elements in figure 13 including memory (552) which facilitate the reading of the tag.

Regarding claim 16, Want et al is silent on teaching a plurality of buttons connected with the switch of transponder connected with the integrated circuit. However Want et al teaches a button connected with the switch of transponder connected with the integrated circuit.

It would have been obvious to one of ordinary skill in the art to have a plurality of buttons connected with the switch of transponder connected with the integrated circuit in Want et al because Want et al suggest a button connected with the switch of transponder connected with the integrated circuit in order to enable and disable the different functional elements of the RF tag.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Vernal Brown
April 15, 2002

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600